

Exhibit "A"

April 18, 2016

Mayor & City Council
County-City Building
Lincoln, Nebraska 68508

RE: Report of Claims Against the City of Lincoln for April 1 through April 15, 2016

Dear Mayor & Council:

The following is a report of claims against the City of Lincoln which have been disposed of, or are pending, for the period of April 1 through April 15, 2016. This report will describe the claims and the dispositions or status of these claims.

DENIED CLAIMS:

Michael and Tonya Hare filed a claim during the month of June, 2015, in the amount of \$10,417.00 for damage incurred as the result of sewer backup on May 7, 2015. This claim has been reviewed by this office and has been **denied**.

William Rezac filed a claim during the month of June, 2015, in the amount of \$28,499.67 for damage incurred as the result of sewer backup on May 7, 2015. This claim has been reviewed by this office and has been **denied**.

Guy R. Urbanek filed a claim during the month of June, 2015, in the amount of \$1,000.00 for damage incurred as the result of sewer backup on May 7, 2015. This claim has been reviewed by this office and has been **denied**.

Matthew and Sarah Wattier filed a claim during the month of June, 2015, in the amount of \$74,815.62 for damage incurred as the result of sewer backups on October 1, 2014, and May 7, 2015. This claim has been reviewed by this office and has been **denied**.

William Stahn filed a claim during the month of June, 2015, in the amount of \$554.36 for damage incurred as the result of sewer backup on May 7, 2015. This claim has been reviewed by this office and has been **denied**.

David and Debora Backhus filed a claim during the month of June, 2015, in the amount of \$6,936.93 for damage incurred as the result of sewer backup on May 7, 2015. This claim has been reviewed by this office and has been **denied**.

Amanda Vetter filed a claim during the month of June, 2015, in the amount of \$4,400.00 for damage incurred as the result of sewer backup on May 7, 2015. This claim has been reviewed by this office and has been **denied**.

Christine Franklin filed a claim during the month of June, 2015, in the amount of \$17,694.32 for damage incurred as the result of sewer backup on May 7, 2015. This claim has been reviewed by this office and has been **denied**.

Brian and Danielle Willey filed a claim during the month of June, 2015, in the amount of \$10,380.00 for damage incurred as the result of sewer backup on May 7, 2015. This claim has been reviewed by this office and has been **denied**.

Richard Gonzalez filed a claim during the month of June, 2015, in the amount of \$7,400.00 for damage incurred as the result of sewer backup on May 7, 2015. This claim has been reviewed by this office and has been **denied**.

Gary and Phyllis Allen filed a claim during the month of June, 2015, in the amount of \$3,034.50 for damage incurred as the result of sewer backup on May 7, 2015. This claim has been reviewed by this office and has been **denied**.

Ronald and Pamela Brecka filed a claim during the month of June, 2015, in the amount of \$1,000 for damage incurred as the result of sewer backup on May 7, 2015. This claim has been reviewed by this office and has been **denied**.

Zachariah and Amber King filed a claim during the month of July, 2015, in the amount of \$1,000 for damage incurred as the result of sewer backup on May 7, 2015. This claim has been reviewed by this office and has been **denied**.

Susan Dermer filed a claim during the month of August, 2015, in the amount of \$44,593.61 for damage incurred as the result of sewer backup on May 7, 2015. This claim has been reviewed by this office and has been **denied**.

Trover Solutions, Inc. on behalf of IMT Insurance Co. as subrogee of Brock Shelton filed a subrogation claim during the month of August, 2015, in the amount \$5,000 for damage incurred to insured's property as the result of sewer backup on May 7, 2015. This claim has been reviewed by this office and has been **denied**.

McKinnis Roofing filed a claim during the month of January, 2016, in the amount of \$2,902.50 for damage incurred as the result of sewer back-up. This claim has been reviewed by this office and has been **denied**.

Theodore McCray filed a claim during the month of February, 2016, in an unspecified amount for alleged loss of personal property when he was arrested. This claim has been reviewed by this office and has been **denied**.

ALLOWED/SETTLED CLAIMS:

Tracy and Katherine Rogers filed a claim during the month of March, 2016, in the amount of \$1,436.12 for damage incurred to vehicle when struck by a City vehicle. This claim has been **settled** by the Risk Management Office in the amount of \$1,436.12.

PENDING CLAIMS:

Joshua Ryan Corzine and Anthony Charles Turner filed a claim during the month of May, 2014, in the amount of \$15,000 for alleged damages incurred as the result of actions by Library personnel. This claim is under review and is **pending**.

KI and Elizabeth Dayalu filed a claim during the month of July, 2014, in an unspecified amount for damage incurred to mailbox when it was allegedly struck by a street sweeper. This claim is under review and is **pending**.

Arbor Day Foundation filed a claim during the month of August, 2014, in the amount of \$4,594.52 for damage allegedly incurred as the result of water main break that occurred during P Street construction. This claim is under review and is **pending**.

United Fire & Casualty Company as subrogee of Bouwens Plumbing filed a claim during the month of August, 2014, in an unspecified amount for damage incurred to property owned by C Street LLC when water shut off valves installed by Bouwens Plumbing and supplied by Lincoln Water System malfunctioned causing water damage. **C Street LLC** filed a claim during the month of February, 2015, in the amount of \$12,630.90 for damage incurred to the property. This claim is under review and is **pending**.

Lynda S. King filed a claim during the month of September, 2014, in an unspecified amount for alleged injury incurred while claimant was a passenger on a StarTran bus. This claim is under review and is **pending**.

Steve LaFargue filed a claim during the month of October, 2014, in the amount of \$500,000 for injury allegedly incurred when claimant was rescued from a burning apartment building by Lincoln Fire and Rescue. This claim is under review and is **pending**.

Olga Alfonso filed a claim during the month of December, 2014, in the amount of \$573.98 for cell phone that was allegedly misplaced by a Lincoln police officer. This claim is under review and is **pending**.

Brett Smith filed a claim during the month of February, 2015, in an unspecified amount for damages incurred as the result of accident involving a StarTran bus. This claim is under review and is **pending**.

Carlos Mungia Vazquez filed a claim during the month of February, 2015, in an unspecified amount for injuries incurred as the result of accident involving a StarTran bus. This claim is under review and is **pending**.

Dorothy Oreskovich filed a claim in the amount of \$10,455.00 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

Minarick Investments LLC filed a claim during the month of June, 2015, in the amount of \$430.90 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

Mark and Kathy Hoefs filed a claim during the month of June, 2015, in the amount of \$4,808.50 for clean-up and an unspecified amount for damages incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

Colliers International filed a claim during the month of July, 2015, in the amount of \$5,912.95 for damage allegedly incurred to water line by L.E.S. contractor. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Emily Kline filed a claim during the month of August, 2015, in an unspecified amount for injury incurred as the result of trip on sidewalk. This claim is under review and is **pending**.

Antonio Tyrone Williams filed a claim during the month of September, 2015, seeking compensation in the amount of \$10,800 for incarceration, loss of employment and wages, and mental anguish as the result of his arrest. This claim is under review and is **pending**.

Lhonda and Paul Larson filed a claim during the month of October, 2015, in the amount of \$1,600.00 for damage allegedly incurred to water shut off valve during backfilling by the City after claimants had their water line repaired. This claim is under review and is **pending**.

Ben Henderson filed a claim during the month of December, 2015, in the amount of \$80.00 for damage incurred to apartment door as the result of action by Lincoln police. This claim is under review and is **pending**.

Alyssa Stander filed a claim during the month of December, 2015, in the amount of \$25,000 for injury incurred when claimant allegedly cut her foot on a “water main pipe” protruding from the ground. This claim is under review and is **pending**.

Brenda Bolejack filed a claim during the month of January, 2016, in an unspecified amount for damage allegedly incurred as the result of interruption of electrical service. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Farmers Mutual as subrogee of Jennifer and Joseph Hennecke filed a claim during the month of January, 2016, in the amount of \$5,000.00 for damage incurred to insured’s property as the result of sewer back-up. This claim is under review and is **pending**.

Phoenix Loss Control on behalf of Time Warner filed a claim during the month of February, 2016, in the amount of \$1,229.70 for damage allegedly incurred to underground cable by L.E.S. contractor. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Krysta Foster filed a claim during the month of February, 2016, in the amount of \$1,048.98 for damage incurred to vehicle as the result of striking a piece of metal that allegedly broke off of a City snowplow and landed in the street. This claim is under review and is **pending**.

Randy Borg filed a claim during the month of February, 2016, in the amount of \$1,400.00 for damage allegedly incurred to driveway by L.E.S. contractor. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Phoenix Loss Control on behalf of Time Warner filed a claim during the month of February, 2016, in the amount of \$438.75 for damage allegedly incurred to underground cable by L.E.S. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

European Auto Tech filed a claim during the month of February, 2016, in the amount of \$96.47 for cleaning expense incurred as the result L.E.S. employee allegedly tracking mud on carpet. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Farmers Mutual of Nebraska as subrogee of Ward Hoppe LLC filed a claim during the month of February, 2016, in the amount of \$9,693.56 for damage incurred to insured's property when it was struck by a vehicle operated by an individual who was fleeing arrest. This claim is under review and is **pending**.

Tim Cronin filed a claim during the month of February, 2016, in the amount of \$499.99 for damage incurred to cell phone during police investigation. This claim is under review and is **pending**.

Melissa S. Stutzman filed a claim during the month of February, 2016, in the amount of \$500.00 for damage incurred to vehicle as the result of striking a piece of metal that allegedly broke off of a City snowplow and landed in the street. This claim is under review and is **pending**.

Dr. Alex Kallio (Comfort Family Chiropractic) filed a claim during the month of March, 2016, in the amount of \$2,087.64 for damage allegedly incurred to computer system as the result of interruption in electrical service when ground cable was struck by L.E.S. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Denise Matulka filed a claim during the month of March, 2016, in the amount of \$1,573.85 for damage incurred to vehicle as the result of accident involving a City vehicle. This claim is under review and is **pending**.

State Farm Insurance as subrogee of Kathy Corbett filed a claim during the month of March, 2016, in the amount of \$4,807.99 for damage incurred to insured's vehicle as the result of an unsecured manhole. This claim is under review and is **pending**.

Autumn Wood Homeowners Association filed a claim during the month of March, 2016, in the amount of \$2,500.00 for damage allegedly incurred to sidewalk as the result of fire truck driving over it. This claim is under review and is **pending**.

Ronald Morrison filed a claim during the month of March, 2016, in the amount of \$900.00 for damage allegedly incurred to sidewalk as the result of fire truck driving over it. This claim is under review and is **pending**.

Glenda Masek filed a claim during the month of March, 2016, in the amount of \$1,475.00 for damage allegedly incurred to sidewalk, sod and sprinklers as the result of fire truck driving over sidewalk and lawn. This claim is under review and is **pending**.

State Farm Insurance as subrogee of Deloris Hornung filed a claim during the month of March, 2016, in an unspecified amount for damage incurred to insured's vehicle as the result of accident involving a fire truck. This claim is under review and is **pending**.

Phoenix Loss Control on behalf of Time Warner filed a claim during the month of March, 2016, in the amount of \$438.75 for damage incurred to Time Warner equipment when it was allegedly struck by an L.E.S. vehicle. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Mike Morosin filed a claim during the month of March, 2016, in the amount of \$31,275.00 for personal property removed from claimant's property by the City. This claim is under review and is **pending**.

Farmers Mutual as subrogee of Mary Furgerson filed a claim during the month of March, 2016, in the amount of \$1,329.63 for damage incurred to insured's vehicle as the result of striking a piece of metal that broke off of a City snowplow and landed in the street. This claim is under review and is **pending**.

Michael Meyer filed a claim during the month of March, 2016, in the amount of \$389.26 for damage allegedly incurred to fence by L.E.S. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

NEW CLAIMS FILED DURING THE PERIOD OF APRIL 1 THROUGH APRIL 15, 2016:

Alexis Springer filed a claim in an unspecified amount for damage incurred as the result of pothole. This claim is under review and is **pending**.

Barine Deeza filed a claim in the amount of \$1,000,000 for alleged injuries incurred when claimant was arrested. This claim is under review and is **pending**.

Ashley Blunk filed a claim in the amount of \$1,535.40 for damage incurred to vehicle as the result of accident involving a StarTran bus. This claim is under review and is **pending**.

Kyle Wagner filed a claim in the amount of \$1,587.57 for damage incurred to vehicle as the result of accident involving a StarTran bus. This claim is under review and is **pending**.

Phoenix Loss Control on behalf of Time Warner filed a claim in the amount of \$455.00 for damage incurred to cable when L.E.S. was installing a pole. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Phoenix Loss Control on behalf of Time Warner filed a claim in the amount of \$438.75 for damage incurred to cable by L.E.S. subcontractor. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

PENDING TORT LITIGATION:

Candace Polfus, individually and on behalf of her minor child, Robert M. Polfus, filed a claim in February, 2012, in the amount of \$50,000 for alleged injury incurred to Robert Polfus at Uni Pool. This claim was reviewed by this office and denial was approved by the Lincoln City Council on July 30, 2012. Suit has been filed in the Lancaster County Court and litigation is **pending**.

Leroy Duffie filed a claim during the month of August, 2012, in the amount of \$200,000 alleging that he was injured during an incident involving Lincoln police. This claim was withdrawn and suit was filed in Lancaster County District Court. The case was transferred to the U.S. District Court and on June 3, 2015, the Court granted summary judgment in favor of the City and Lincoln police officers. Plaintiff has appealed to the U.S. Court of Appeals. Litigation is **pending**.

Ben and Leigh Lewis on behalf of Nathan Lewis filed a claim during the month of October, 2012, in the amount of \$220,000 for injury incurred when Nathan Lewis was riding his bicycle on railroad bridge at Wilderness Park and the wheel of his bicycle got caught between two railroad ties causing him to fall. This claim was reviewed by this office and denial was approved by the Lincoln City Council on February 25, 2013. Suit has been filed in the Lancaster County District Court and litigation is **pending**.

Dawn Amory filed a claim during the month of November, 2012, in the amount of \$250,000 for alleged injury incurred as the result of trip and fall on sidewalk. This claim was reviewed by this office and denial was approved by the Lincoln City Council on December 17, 2012. Suit was filed in Lancaster County District Court. On August 13, 2015, the District Court granted summary judgment in favor of the City of Lincoln. Plaintiff has appealed to the Nebraska Court of Appeals. Litigation is **pending**.

Nicole Ulm filed a claim during the month of April, 2013, in the amount of \$200,000 for alleged damages incurred as the result of an accident involving a vehicle that was being operated by an individual who was fleeing from Police. This claim was withdrawn and suit has been filed in the Lancaster County District Court. Litigation is **pending**.

John Craw filed a claim during the month of October, 2012, in the amount of \$200,000 alleging that he was misclassified as an independent contractor and wrongfully terminated from his position as the PGA Professional for the Holmes Golf Course. This claim was reviewed by this office and denial was approved by the Lincoln City Council on November 19, 2012. Suit was filed in the Lancaster County District Court. On October 19, 2015, the District Court granted dismissal in favor of the City of Lincoln. Plaintiff has appealed to the Nebraska Court of Appeals. Litigation is **pending**.

Elisa O'Dell and John O'Dell filed a claim during the month of April, 2014, in an unspecified amount for damages incurred as the result of a motor vehicle accident which claimant alleges was caused by malfunctioning traffic signal lights. This claim was reviewed by this office and denial was approved by the Lincoln City Council on April 28, 2014. Suit has been filed in Lancaster County District Court and litigation is **pending**.

Shayla Funk filed a claim during the month of March, 2014, in the amount of \$1,200,000 alleging she was falsely arrested and suffered humiliation, inconvenience, mental anguish, loss of wages and earning capacity and damage to her reputation as the result of photographs posted of her on the "Crime Stoppers" website. Suit was filed in the Lancaster County District Court and judgment was found in favor of Plaintiff Shayla Funk. The City of Lincoln has filed an appeal to the Nebraska Court of Appeals. Litigation is **pending**.

Luevonne Murrell filed a claim during the month of March, 2015, in an unspecified amount for alleged injury incurred when vehicle that claimant was a passenger in was struck by a City police vehicle. Suit has been filed in the Lancaster County District Court and litigation is **pending**.

Kejjan Hesso filed a claim during the month of September, 2014, in the amount of \$100,000.00 for alleged injury incurred as the result of accident involving a StarTran bus. This claim was withdrawn and suit has been filed in the Lancaster County District Court. Litigation is **pending**.

Nationwide Insurance as subrogee of Donald Flamme filed a claim during the month of June, 2014, for damage incurred to insured's vehicle and medical benefits paid as the result of accident involving a police vehicle. This claim was reviewed by this office and denial was approved by the Lincoln City Council on November 24, 2014. Suit has been filed in the Lancaster County Court and litigation is **pending**.

David E. Tarrence and Tamara K. Geis filed a claim during the month of April, 2015, in the amount of \$2,700,000 for alleged damages resulting from the search of claimants' home and vehicles by Lincoln police. Suit has been filed in U.S. District Court and litigation is **pending**.

Submitted by City Law Department
c: Risk Management